

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

<b>In the matter of</b>	)	
	)	
<b>Implementing a Nationwide</b>	)	
<b>Broadband Interoperable Public</b>	)	<b>PS Docket No. 06-229</b>
<b>Safety Network in the 700 MHz</b>	)	
<b>Band</b>	)	

**Comments of the State of Michigan  
on various Petitions for Waiver  
to allow deployment of 700 MHz broadband systems**

**1. INTRODUCTION**

The State of Michigan (Michigan) hereby submits the following comments in response to the Commission's *Public Notice*, DA 09-1819 (August 14, 2009), in the above-captioned proceeding regarding pending Petitions for Waiver to deploy 700 MHz broadband systems. Michigan supports allowing local, regional and statewide deployments, subject to conditions necessary to ensure the viability of a national, interoperable, broadband network for public safety communications.

The State of Michigan is a leader in implementing a statewide 800 MHz Project 25 compliant trunking system for public safety agencies on NPSPAC channels. The Michigan Public Safety Communications System (MPSCS) currently provides statewide communications to Michigan state government agencies, a number of federal agencies, and a multitude of Michigan county, city, township, and tribal public safety agencies. At present over 50,000 users are active on the system, representing a broad cross-section of

over 1200 federal, state, and local public safety agencies. This system represents an investment of over \$300 million by the citizens of Michigan. Additional agencies are joining the system, and expansion of the system to provide improved service to users is an ongoing effort. The MPSCS is a key element in Michigan's homeland security preparations and interoperability efforts.

Michigan shares a significant border region with Canada. We must conform to the frequency use requirements of international treaties regulating border areas as a significant portion of the state lies within defined Canadian border regions. Michigan has the greatest number of counties affected by Canadian border issues. We would like to significantly expand our interoperability with Canadian public safety agencies in the border area to enhance our homeland security capabilities.

We also share significant borders with a number of states. Discussions have been underway for some time on interconnecting with adjoining state systems to further enhance interoperability. Michigan has been active in the Midwest Public Safety Communications Consortium, consisting of Michigan, Indiana, Illinois, Ohio, and Kentucky. This consortium represents the largest interoperability project announced to date.

The State of Michigan completed the statewide 800 MHz radio network seven years ago, and has already performed a number of significant system upgrades. The addition of significant numbers of new subsystems and users is becoming increasingly dependent on availability of frequencies, and the MPSCS anticipates making maximum

use of the 700 MHz narrowband and broadband public safety spectrum. In particular, the MPSCS anticipates establishing high speed data capabilities on 700 MHz broadband spectrum capitalizing on the significant existing MPSCS infrastructure investment that we have made for the existing radio network.

## **2. COMMENTS**

The State of Michigan has followed the proposals regarding the 700 MHz public safety spectrum with increasing interest as our statewide 800 MHz system has grown. The statewide 800 MHz digital trunking system has been complete and fully operational for some time. However, we continue to add user agencies and they frequently require new subsystems to provide enhanced coverage of specific counties or municipalities.

It was only after the transition to digital TV and the clearing of 700 MHz public safety spectrum of the remaining U.S. TV stations that we began to anticipate how we might make maximum use of the newly available 700 MHz public safety spectrum. However, as a border state we still face the issue of Canadian coordination in respect to licensing. We consider this a major area of concern as resolution of the border issues in 800 MHz rebanding has prolonged that process by years.

One of Michigan's particular concerns is the rebanding of the 700 MHz public safety narrowband spectrum. This rebanding, mandated by the FCC to provide contiguous broadband spectrum adjacent to the D block, was to be financed by the purchaser of the D block of spectrum. We are concerned that should no auction occur,

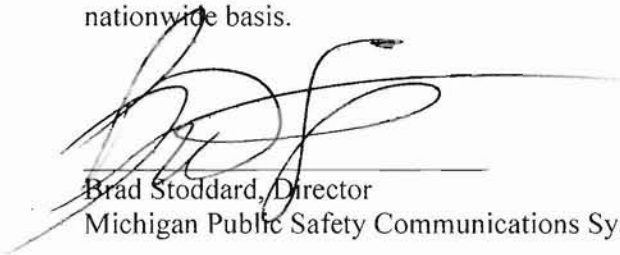
those agencies currently using 700 MHz narrowband spectrum will have to absorb the cost of that rebanding themselves. This could place a significant burden on those agencies.

Michigan is also concerned that the current sole licensee of the 700 MHz broadband spectrum, the Public Safety Spectrum Trust (PSST) has no funding source unless an auction occurs or partnerships with private carriers are established and those carriers provide such funding. While we recognize the role the PSST was to play in the auction proposal, we are not sure that continuation of that role as defined in the auction rules is appropriate under a considerably different scenario.

Another concern is that under the original proposal to auction the D block spectrum the carrier would have had to provide ruggedized handsets, and reliable and continuous service. If individual agencies are left to negotiate with carriers to obtain service, we are concerned that the carriers may be reluctant to provide site backup power, robust facilities, and ruggedized handsets, which represent a significant cost increase.

However, the State of Michigan supports the efforts of individual agencies to provide broadband capabilities in their jurisdictional areas, whether that is a state, region, county, or city. Therefore the State of Michigan generally supports those agencies Petitions for Waivers, and the position outlined by the APCO response to the FCC's public notice inviting comment.

We agree with APCO that the Petition for Waiver submitted by the State of North Dakota and Flow Mobile regarding use of the 700 MHz narrowband segment for a broadband network should be rejected. We firmly believe the narrowband portion of the 700 MHz public safety spectrum should remain dedicated to narrow band operation on a nationwide basis.



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